

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

DENNIS SISNEROS,

Plaintiff,

vs.

No. CIV 09-0213 JB/ACT

MICHAEL FISHER, in his individual capacity,  
and THE COUNTY OF BERNALILLO,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court on the Defendants' Motion in Limine #1 -- Chris Donaldson, filed February 9, 2010 (Doc. 53). The Court held a hearing on February 19, 2010. The primary issue is whether and to what extent the Court should limit the deposition testimony of Chris Donaldson, a witness whom Plaintiff Dennis Sisneros listed to be called at trial by deposition. Since Defendants Michael Fisher and the County of Bernalillo filed this motion, it has come to light that Donaldson will be testifying live, not by deposition, and thus will be available for cross-examination. At the hearing, Deborah Wells, the Defendants' attorney, represented to the Court that she had no objection to Donaldson testifying in person rather than by deposition.

MS. WELLS: Your Honor excuse me.

THE COURT: Yes.

MS. WELLS: I have no objection with Chris Donaldson any more now that I'm allowed to give him a detailed cross at trial.

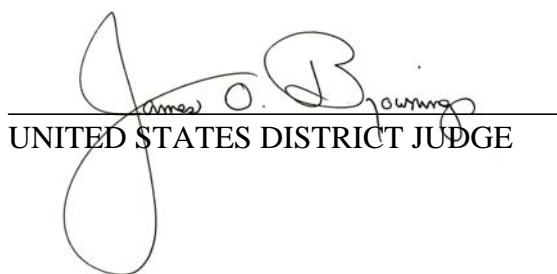
THE COURT: Okay.

MS. WELLS: My primary objection was him testifying [by] deposition.

MR. VILLA: Judge just so you know I put in my response that I had spoken with Mr. Donaldson's counsel. I spoke with him again last night, and he had actually spoken to his client, so his client knows that he's under subpoena he has to be there, doesn't have any information that he'll be unavailable, that he knows about, so I think that he'll be here.

Transcript of Hearing at 3:1-18 (taken February 19, 2010)(Court, Wells, Villa).<sup>1</sup> Based on Ms. Wells' statements and the agreement that the parties formed during the hearing, the Court denies this motion, provided Donaldson testifies in person rather than by deposition.

**IT IS ORDERED** that the Defendants' Motion in Limine #1 -- Chris Donaldson is denied.



UNITED STATES DISTRICT JUDGE

*Counsel:*

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*Attorneys for the Plaintiff*

Deborah D. Wells  
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<sup>1</sup> The citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may have slightly different page and/or line numbers.